

PROB 12B
(7/93)

Report Date: February 8, 2010

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 08 2010

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

JAMES R. LARSEN, DEPUTY
SPOKANE, WASHINGTON

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Eriberto Gutierrez

Case Number: 2:03CR00200-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen

Date of Original Sentence: 7/5/2005

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Import a Listed
Chemical, Specifically Pseudophedrine, 21 U.S.C. §
960(d)(3) & 963

Date Supervision Commenced: 02/08/2010

Original Sentence: Prison - 70 Months; TSR - 36
Months

Date Supervision Expires: 02/07/2013

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

CAUSE

The current judgement contains a condition requiring Mr. Gutierrez undergo a substance abuse evaluation and any recommended treatment; however, the judgement did not contain a condition for substance abuse testing. The instant offense is a drug importation case and Mr. Gutierrez does have a history of drug experimentation. An added condition for substance abuse testing is requested.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 8, 2010

s/Curtis G. Hare

Curtis G. Hare
U.S. Probation Officer

Prob 12B

Re: Gutierrez, Eriberto

February 8, 2010

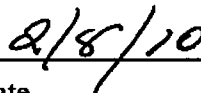
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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer



Date

PROB 49
(3/89)

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

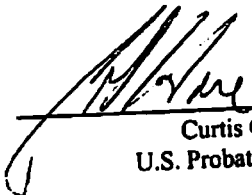
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

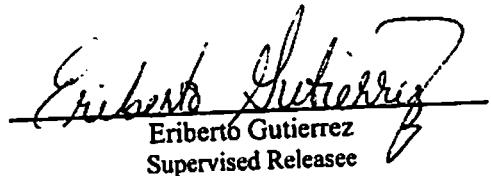
To modify the conditions of supervision as follows:

- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Witness:


Curtis G. Hare
U.S. Probation Officer

Signed:


Eriberto Gutierrez
Supervised Releasee

November 18, 2009

Date